REMARKS

This is in response to the Office Action mailed November 21, 2006. Applicants respectfully traverse and submit for at least the reasons stated below, all pending claims are in condition for allowance.

Claim Amendments

Independent claims 1, 17 and 18 have been amended to recite limitations previously recited in claims 7 and 23, respectively, therefore these amendments do not add any new subject matter. Claims 4-5, 8, and 24 have been amended to update dependency in view of the cancellation of claims 3, 7 and 23. Additionally, claims 31 and 36 are noted as being cancelled consistent with a previously-filed Preliminary Amendment and claims 37-48 have been withdrawn consistent with the Election of Group I in response to the previous Restriction Election.

Rejection of claims under 35 U.S.C. §112, ¶2

Claims 9, 14, 16, 24, 27 and 29-30

Claims 9, 14, 16, 24, 27 and 29-30 stand rejected based on Examiner-confusion regarding "how to estimate total users of unmonitored resources?," "what are the unmonitored resources?," and "How is applying the error rate to be able to determined (sic) the numbers of unmonitored resources?"

As indicated in the specification, as originally filed, the specification describes the technique for estimating total number of users, such as for example, page 12, lines 3-29. The specification also describes unmonitored resources, such as for example page 15, lines 8-27

which describes the unmonitored resources of un-watched television channels. Another example is page 18, lines 1-12 referring to Fig. 5(b). Furthermore, the application of the error rate is described in various locations throughout the specification as originally filed, including page 15, line27 - page 16, line 6.

Claims 10, 11, 34, 49 and 51

Claims 10, 11, 34, 49 and 51 stand rejected based on Examiner-confusion regarding the claimed measurement code. This measurement code is described at length in the specification, including page 17, lines 17-30 and Fig. 5(a). For example, the specification states that the "measurement code monitors and collects information on the usage of the resources by the user and at (84) a record of this is sent to the perspective collection server(s) 85." (page 17, lines 21-23).

Claims 3 and 21

Claims 3 (now claim 1 by amendment) and 21 stand rejected based on Examiner-confusion regarding how to measure the interaction of users. The measurement of the interaction of users is described at length in the specification, including for example Fig. 5(a) and page 17, lines 17-30. As described herein in conjunction with knowledge of one having ordinary skill in the art, the specification thereby supports these claimed limitations.

Claim 8

Claim 8 stands rejected based on Examiner-confusion regarding calculating an error. The calculation of an error rate is a well known concept and the parameters and environment for the calculation of this error rate are described at length in the specification as filed, including for example page 17, line 11-13 (step 76 of Fig. 4(b)), where processing servers 30 and 32 calculate the error rate from the data obtained by the collection servers in step 72.

Claims 12-14, 16, 25-27 and 29.

Claims 12-14, 16, 25-27 and 29 stand rejected based on Examiner-confusion regarding "how to determine an expected number of users have access to the resources." The specification, as originally filed, describes at length techniques for determining expected numbers of users having access to the resource, including a simplistic technique of checking the number of registered users, see for example page 12, lines 3-29.

Therefore, Applicants submit the above rejection of claims as being indefinite is improper. Reconsideration and withdrawal is respectfully requested.

Rejection of claims under 35 U.S.C. §102(e)

Claims 1-6, 10-11, 17-22, 31 and 49-52 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Published Application No. 2003/0110485 ("Lu").

Regarding claims 1, 17 and 18, Applicants submit the rejection is no longer proper in view of the above-noted amendments. Therefore Applicants will address these claims (as well its' dependent claims) with respect to the 103(a) rejection below.

Regarding claim 49, Applicants respectfully traverse and submit that Lu fails to identically disclose all of the claimed limitations.

As understood, Lu discloses interactive metering systems that monitor user usage of various elements in a networked environment and then reports this collected information. Although, Lu is more specifically directed to a seamless behind-the-scenes data acquisition system that works in the background of a computing environment and tracks individual user activity for separately monitored systems. Lu is not concerned with global trends or global

data, but rather merely attempts to track a specific user's activity without impending processing efficiency of the computing systems or the network.

By contrast, Claim 49 recites a system for measuring and analyzing multiple data sources over a communication network, the system comprising: "an insertion server <u>linking each resource server</u> of said plurality of resource servers." (emphasis added). This is in direct contradiction to the teachings of Lu, as Lu does not disclose an insertion server that seeks to link the various resource servers.

On page 9 of the present Office Action, the Examiner cites to page 3, ¶ 41-43 as supporting the claimed insertion server, to which Applicants respectfully disagree. Rather, the Examiner-cited passage introduces Fig. 1 and generally describes the metering system 10, but is silent regarding inserting measurement code and the insertion server **linking** the various resource servers. Rather, as described, Lu teaches collecting data from each of the servers but is silent regarding any linking or interconnection between servers and user data for those specifics servers.

Therefore, as to claim 49, Applicants submit the rejection is improper. Should the Examiner maintain the present rejection, Applicants respectfully request specific line numbers where Lu identically discloses these claimed limitations. In the alternative, Applicants respectfully request passage of claim 49 to issuance.

<u>Rejection of claims under 35 U.S.C. §103(a)</u>

Claims 7-9, 23-24 and 33-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lu in combination with U.S. Patent No. 6,842,782 ("Malik"). In view of the claim amendments, Applicants shall address this rejection as to claims 1, 17 and 18.

Applicants respectfully submit that the present rejection is improper because the combination of Lu and Malik fail to teach or suggest **all** of the claimed limitations. The Examiner assert, and applicants agree, that Lu fails to disclose, among other things, "calibrating a value based on said data source and said further data source." Although, Applicants disagree that Malik discloses this limitation.

Mailk relates to a tool for assisting web developers, including monitoring web traffic to a particular web site. In support of the rejection, the Examiner cites to col. 24, line 48 - col. 25, line 25, which relates to an informed decision for including a web site, organizing job orders for adding web sites and then monitoring the web site to gain information to develop automated routines to enable access to the site proxy. When enough connections have been tracked, Malik may therein assign the site to a developer for production and maintenance. Malik does not include any calibration of a value based on multiple data sources, but rather "uses function 0.231," whatever that entails?

Malik not only fails to teach or suggest calibration, but most earnestly is entirely silent as to this limitation. Therefore, Applicants must respectfully submit that Malik fails to overcome the shortcomings of Lu. As such, the combination of Lu and Mailk fails to teach or suggest all of the claimed limitations of claims 1, 17 and 18.

Claims 2, 4-6, 8-11, 19, 21-22, 24, 32-35 and 50-52 depend from claims 1, 17 and 18, respectively and recite further patentable subject matter therefrom. Therefore, for at the reasons stated above regarding claims 1, 17 and 18, Applicants further submit these claims as allowable.

Should the Examiner maintain the present rejection, Applicants respectfully request a showing, including specific column and line numbers of where Malik explicitly discloses the

claimed calibration technique. In the alternative, Applicants request passage of these claims to issuance.

Allowable Subject Matter

Applicants acknowledge that the Examiner indicates claims 12-16 and 23-30 as containing patentable subject matter. Although, in view of the above, Applicants submit that these claims are allowable as being dependent upon <u>allowable</u> base claims.
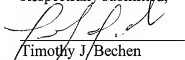
For these reasons, the applicants respectfully request that the Examiner withdraw the rejections as they might be applied to the claims as pending following entry of this amendment and allow the claims. To expedite prosecution of this application to allowance, the Examiner is invited to call the applicants' undersigned representative to discuss any issues relating to this application.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to our Deposit Account No. 50-4026 if required in the submission of this Amendment.

Dated: <u>May 21, 2007</u>

Respectfully submitted,

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